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REMARKS

Claims 1–14 and 16–23 are pending in the present application. In the Office Action mailed March 23, 2004, the Examiner objected to the drawings under 37 CFR §1.83(a). The Examiner rejected claims 1–4 under 35 U.S.C. §102(a) as being anticipated by Wilson (USP 6,508,704). The Examiner next rejected claims 5–10 and 21–23 under 35 U.S.C. §103(a) as being unpatentable over Wilson et al. in view of Achtner (USP 6,489,591). Claims 11, 12, and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wilson et al. in view of Matsushima et al. (USP 4,661,669). Claims 13 and 17–18 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wilson et al. in view of Matsushima et al. and further in view of Achtner. Claim 16 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wilson et al. in view of Matsushima et al. in view of Achtner and further in view of McCoy (USP 3,662,670). Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over Wilson et al. in view of Achtner and further in view of McCoy.

The Examiner objected to the drawings under 37 CFR §1.83(a) stating that the drawings must show every feature of the invention specified in the claims. Specifically, the Examiner states that “the tapering from the front edge to the rear edge and the components for the welding apparatus must be shown or the feature(s) canceled from the claim(s).” Rather than amending the drawings, Applicant has amended the specification to comport with that which is shown in the drawings. Specifically, Applicant has amended the last sentence of paragraph [0032] of the Detailed Description to correctly state that the louvers are tapered front to back from the intermediate edge 42 to the back edge 40. Support for such an amendment is clearly shown in Figs. 3 and 4 of the application as filed. As such, no new matter has been added. Additionally, Applicant has amended the claims to further define that the louvers are not tapered all the way from the front edge to the back edge, but that only the rear portion (36) of each individual louver is tapered as shown in the drawings. As such, Applicant requests the objection to the drawings be withdrawn and the amendment to the Specification be entered.

The Examiner rejected claims 1–4 under 35 U.S.C. §102(a) as being anticipated by Wilson. As previously stated, Applicant has amended claim 1 to more accurately define the present invention. As amended, claim 1 calls for, in part, that an intermediate

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edge of a first louver is displaced outwardly from a line extending between the front edge and the rear edge of an adjacent louver. As shown in Fig. 5B of Wilson, a line extending from a front edge (point B) to a rear edge (point A) minimally intersects an intermediate edge (point C) of an adjacent louver. The placement of point C outwardly from the line extending between point A and point B would allow light to pass through the louver assembly of Wilson thereby rendering the vent assembly of Wilson inoperable for blocking light. That is, increasing the space between adjacent louvers of Wilson would allow light to escape the enclosure. Such an interpretation renders the invention of Wilson (i.e., a light blocking vent assembly) inoperable. As such, that which is called for in claim 1, and those claims that depend therefrom, is not disclosed in Wilson nor suggested therefrom. As such, Applicant believes claim 1 and those claims that depend therefrom are patentably distinct over the art of record.

The Examiner next rejected claims 5–10 and 21–23 under 35 U.S.C. §103(a) as being unpatentable over Wilson in view of Achtnher. Applicant has amended claim 5 to further define that a front portion of each louver has a generally uniform cross section that inclines from a front edge to an intermediate edge and wherein a rear portion of each louver has a cross-section generally horizontal to the welding apparatus and tapered from the intermediate edge to the rear edge. Such a construction is not shown in the art of record. Specifically, referring to Fig. 5B of Wilson, a louver assembly is disclosed having a plurality of louvers wherein a front portion and a rear portion both have a generally uniform cross section wherein the front portion is inclined toward an intermediate edge and the rear portion is declined from horizontal, as indicated by horizontal ray 580 shown in Fig. 5B. In an alternate embodiment, as shown in Fig. 6A, Wilson discloses a louver assembly wherein the front portion of each louver is tapered and inclined to an intermediate point and the rear portion of each louver is also tapered but declines from the intermediate point. As such, a louver assembly wherein a front portion of each louver has a generally uniform cross section and inclines from the front edge to the intermediate edge and a rear portion of each louver has a cross-section generally horizontal to the welding apparatus and tapered from the intermediate edge to the rear edge is not taught or suggested in Wilson. As such, that which is called for in claim 5 is not taught or suggested in the art of record. Therefore, Applicant believes

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claim 5 and those claims that depend therefrom are patentably distinct over the art of record.

Applicant has amended claim 21 to further define the present invention. As amended, claim 21 calls for a vent assembly wherein an intermediate edge is displaced outwardly from a line connecting a front edge and a rear edge of an adjacent louver. As previously discussed with respect to claim 1, displacing an intermediate edge outwardly from a line extending between a front edge and a rear edge of an adjacent louver is not shown in Wilson and in fact defeats the operability of Wilson in allowing direct light leakage through the louver assembly. As such, that which is called for in claim 21 is not taught or suggested in the art of record. Therefore, Applicant believes claim 21 and those claims that depend therefrom are patentably distinct over the art of record.

With respect to claim 10, the Examiner states that "the applicant has failed to establish any criticality or synergistic results which are derived from the recited configurations" and that "the applicant's design configurations would have been an obvious improvement to one of ordinary skill in the art...." Applicant is under no burden to establish any critical or synergistic results as required by the Examiner. Specifically, as stated in MPEP §2141, "a requirement for 'synergism' or a 'synergistic effect' is nowhere found in the statute, 35 U.S.C." As such, claim 10, in addition to depending from an otherwise believed allowable claim, is patentably distinct over the art of record in defining a probe having a straight cylindrical shape and a predetermined diameter of 2.5 mm. Nevertheless, the Examiner's attention is directed to paragraphs [0036] through [0038] of the Specification which describe preventing passage of a standard probe through the louver assembly while maintaining a sufficient flow of cooling air therethrough.

The Examiner next rejected claims 11, 12, and 14 under 35 U.S.C. §103(a) as being unpatentable over Wilson in view of Matsushima et al. stating that "Wilson et al. discloses all of the limitations of the claim(s) except for the louvers being tapered from the front edge to the rear edge" and that "Matsushima et al. discloses the presence of louvers being tapered from the front edge to the rear edge." Applicant has amended claim 11 to further define the present invention. As amended, claim 11 now additionally calls for each louver having a front non-tapered portion and a rear tapered portion. As

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previously argued with respect to claim 5, Wilson et al. does not teach or suggest such a louver structure. That is, Wilson discloses a first louver assembly wherein each louver has a generally uniform cross-sectional shape as shown in Fig. 5B or a louver assembly wherein both the front portion and the rear portion are tapered from the intermediate edge as shown in Fig. 6A. Furthermore, with respect to Matsushima et al., it is not the louver that is tapered, rather it is the direction of the louver that tapers. Matsushima et al. states that “[o]ther louvers 31 tapering rearwardly upwardly may be provided in the space S for creating turbulence of air and improving the cooling effect of the high-voltage transformer 9.” Col. 8, Ins. 39–43. That is, each individual louver includes a portion inclining in a rearward and upward direction. As shown in Fig. 8, each louver (31) has a generally uniform cross-sectional shape. As such, it is not the louver that is tapered but the direction of projection of each louver into the cavity of the device. As such, that which is called for in claim 11 is not taught or suggested in the art of record. Therefore, Applicant believes that claim 11 and those claims that depend therefrom are patentably distinct over the art of record.

The Examiner next rejected claim 20 under 35 U.S.C. §103(a) as being unpatentable over Wilson in view of Achtner and in further view of McCoy. Applicant has amended claim 20 to call for, in part, maintaining a line of sight through a series of louvers between adjacent louvers. As previously stated with respect to claim 5, maintaining a line of sight between adjacent louvers of Wilson deprecates the invention disclosed therein and renders it inoperable. That is, the louver assembly of Wilson is constructed to prevent light from passing through the louver assembly. As such, that which is called for in claim 20 as a louver vent is not taught or suggested in the art of record. Therefore, Applicant believes claim 20 is patentably distinct over the art of record.

The Examiner rejected dependent claims 13, 17–13 under 35 U.S.C. §103(a) as being unpatentable over Wilson in view of Matsushima et al. and further in view of Achtner. Although Applicant believes these claims to be otherwise allowable at least pursuant to the chain of dependency, Applicant is unclear which claims stand rejected due to the Examiner’s confusing recitation of “claims 13, 17–13.” Additionally, the group of claims “17–13” includes previously canceled claim 15. Due to ambiguity in

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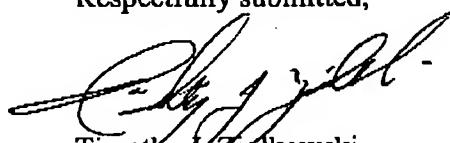
rejecting the claims, in lieu of a Notice of Allowance, Applicant requests a non-final Office Action clearly setting forth the claims of the rejection.

Regarding the Examiner's rejection of claims 2-4, 6-10, 22-23, 12-14, 16-19, and 22-23, Applicant believes these claims are patentably distinct over the art of record, at least through the chain of dependency, as each claim depends from a claim believed to otherwise be allowable.

Therefore, in light of the foregoing, Applicant respectfully believes that the present application is in condition for allowance. Accordingly, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-14 and 16-23.

Applicant appreciates the Examiner's consideration of these Amendments and Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved or if the Examiner believes discussion will further prosecution.

Respectfully submitted,



Timothy J. Ziolkowski  
Registration No. 38,368  
Direct Dial 262-376-5139  
[tjz@zpspatents.com](mailto:tjz@zpspatents.com)

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**P.O. ADDRESS:**

Ziolkowski Patent Solutions Group, LLC  
14135 North Cedarburg Road  
Mequon, WI 53097-1416  
262-376-5170